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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
Against:

12 **Connie Ann Chassereau**
13 **841 Parkside Avenue**
14 **Oakland, California 94803**

15 Respondent.

Case No. 2010-26

STATEMENT OF ISSUES

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
20 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. At some time after March 29, 2010, the Board of Registered Nursing, Department of
23 Consumer Affairs received an application for a Registered Nurse License from Connie Ann
24 Chassereau (Respondent). On or about March 29, 2010, Connie Ann Chassereau certified under
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Board denied the application on April 27, 2010.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

6. Section 480 of the Code states, in pertinent part:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

...

"(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

1 ...

2 "(c) A board may deny a license regulated by this code on the ground that the applicant
3 knowingly made a false statement of fact required to be revealed in the application for such
4 license."

5 7. Section 2761 of the Code states, in pertinent part:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct.

9 ...

10 "(e) Making or giving any false statement or information in connection with the application
11 for issuance of a certificate or license.

12 ...

13 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
14 functions, and duties of a registered nurse, in which event the record of the conviction shall be
15 conclusive evidence thereof."

16 8. Section 2762 of the Code states, in pertinent part:

17 "In addition to other acts constituting unprofessional conduct within the meaning of this
18 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
19 chapter to do any of the following:

20 ...

21 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
22 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
23 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
24 himself or herself, any other person, or the public or to the extent that such use impairs his or her
25 ability to conduct with safety to the public the practice authorized by his or her license.

26 "(c) Be convicted of a criminal offense involving the prescription, consumption, or self
27 administration of any of the substances described in subdivisions (a) and (b) of this section, or the

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1 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)
2 of this section, in which event the record of the conviction is conclusive evidence thereof."

3 FIRST CAUSE FOR DENIAL OF APPLICATION

4 (Unprofessional Conduct)

5 (Bus. & Prof. Code §§ 480(a)(3) and 2761(a))

6 9. Respondent has subjected her application for a Registered Nurse License to denial
7 under Code section 480(a)(3) for committing an act which, if done by a registered nurse, would
8 be grounds for disciplinary action for unprofessional conduct under Code section 2761(a). The
9 circumstances are as follows:

10 a. On or about May 1, 2007, in Fremont, California, Respondent was pulled over by a
11 California Highway Patrol (CHP) officer after the officer observed Respondent driving her 2008
12 Honda Accord at 104 miles per hour on southbound on I-880. The CHP officer approached
13 Respondent through the open driver side window and detected the distinct odor of an alcoholic
14 beverage emitting from within the vehicle. The CHP officer notified Respondent the reason for
15 the stop and asked Respondent if she had any alcohol to drink. Respondent replied, "I did drink a
16 little earlier." The CHP officer asked Respondent what she drank and Respondent replied,
17 "Corona." Respondent admitted to drinking four Coronas. The CHP officer observed
18 Respondent's eyes to be red and watery and her speech to be slow and slurred. The CHP officer
19 asked Respondent to step out of her vehicle and directed to the right front of the CHP vehicle.
20 The CHP officer asked Respondent a series of Pre-Field Sobriety Test Questions and noticed the
21 strong odor of an alcoholic beverage emitting from her breath. The officer administered a series
22 of pre-demonstrated Field Sobriety Tests, in which Respondent showed signs of impairment.
23 Respondent entered two breath samples in the Preliminary Alcohol Screening (PAS) device. The
24 presence of alcohol was detected on both breath samples by blood alcohol content (BAC)
25 readings of .136% and .127%.

26 b. Based on Respondent's objective signs and symptoms of intoxication and her poor
27 performance of the Field Sobriety Tests, the CHP officer formed the opinion that she was driving
28 under the influence of alcohol. Respondent was placed under arrest for violating Vehicle Code
section 23152(a) (driving under the influence of an alcoholic beverage). After being advised of

1 Vehicle Code section 23612 (implied consent), Respondent chose to take a blood test to
2 determine her BAC. Respondent was transported to Washington Hospital where a blood test was
3 administered. Respondent was then transported to the Fremont Police Department Jail and
4 booked on charges of violating Vehicle Code sections 23152(a) and 23152(b). The blood test
5 showed a BAC of .14%.

6 c. The District Attorney's Office charged Respondent with violating Vehicle Code
7 sections 23152(a) (driving while under the influence of an alcoholic beverage) and 23152(b)
8 (driving with a blood alcohol content of .08% and more), both misdemeanors. Respondent was
9 later convicted of violating Vehicle Code section 23152(b) (see below).

10 SECOND CAUSE FOR DENIAL OF APPLICATION
11 (Substantially Related Conviction)
(Bus. & Prof. Code § 480(a)(1))

12 10. Respondent has subjected her application for a Registered Nurse License to denial
13 under Code section 480(a)(1) in that she was convicted of a crime substantially related to the
14 qualifications, functions, or duties of a registered nurse. Specifically, on or about July 5, 2007, in
15 the Superior Court of California, County of Alameda, Case Number 224619, entitled *The People*
16 *of the State of California v. Connie Ann Chassereau*, Respondent was convicted by the court of
17 violating Vehicle Code section 23152(b) (driving with a blood alcohol content of .08% and
18 more), a misdemeanor. Respondent was placed on probation for three years upon terms and
19 conditions, which included, but were not limited to, serving two days in the Alameda County
20 Sheriff Weekend Work Program, with credit for time served of 1 day; obeying all laws; enrolling
21 in a 1st Offender DUI program; and not indulging in (excessive) use of alcohol.

22 THIRD CAUSE FOR DENIAL OF APPLICATION
23 (Conviction of a Crime Involving Alcohol)
(Bus. & Prof. Code §§ 480(a)(3) and 2762(c))

24 11. The allegations of paragraphs 9 and 10 are hereby realleged and incorporated by
25 reference as if fully set forth.

26 12. Respondent has subjected her application for a Registered Nursing License to denial
27 under Code section 480(a)(3) for doing an act which if done by a registered nurse would be
28 grounds for disciplinary action under Code section 2762(c), i.e., for being convicted of a crime

1 involving alcohol. Specifically, on or about July 5, 2007, Respondent was convicted of a crime
2 involving the consumption of alcoholic beverages, as set forth in paragraphs 9 and 10, above.

3 FOURTH CAUSE FOR DENIAL OF APPLICATION

4 (Use of Alcohol to a Dangerous Extent)

(Bus. & Prof. Code §§ 480(a)(3) and 2762(b))

5 13. The allegations of paragraph 9 are hereby realleged and incorporated by reference as
6 if fully set forth.

7 14. Respondent has subjected her application for a Registered Nursing License to denial
8 under Code section 480(a)(3) for doing an act which if done by a registered nurse would be
9 grounds for disciplinary action under Code section 2762(b), i.e., for using alcohol to a dangerous
10 extent. Specifically, on or about May 1, 2007, Respondent used, and was under the influence of,
11 alcoholic beverages, while driving a vehicle in Alameda County, California, to an extent
12 dangerous or injurious to herself and the public, as set forth in paragraph 9, above.

13 FIFTH CAUSE FOR DENIAL OF APPLICATION

14 (Unprofessional Conduct)

(Bus. & Prof. Code §§ 480(a)(3) and 2761(a))

15 15. Respondent has subjected her application for a Registered Nurse License to denial
16 under Code section 480(a)(3) for doing an act which if done by a registered nurse would be
17 grounds for disciplinary action for unprofessional conduct under Code section 2761(a). The
18 circumstances are as follows:

19 a. On or about April 19, 2009, in Napa, California, Respondent was pulled over by a
20 Napa Police Department (NPD) officer after a citizen reported a possible intoxicated driver. The
21 officer observed Respondent driving her 2008 Honda Accord on the wrong side of the roadway.
22 The officer also observed that Respondent's vehicle's two left tires were approximately five feet
23 from the east portion of the roadway in violation of Vehicle Code section 21650 (right half of
24 roadway). The NPD officer conducted a traffic stop and approached Respondent from the
25 driver's side of the vehicle. Respondent said, "I know I was driving crazy, we are lost." The NPD
26 officer immediately smelled a strong odor of alcohol coming from inside the vehicle. While
27 speaking to Respondent, the officer also noticed that her speech was slurred, and her eyes were
28 bloodshot and watery. The officer smelled a strong odor of alcohol coming from her breath. The

1 NPD officer asked Respondent how much alcohol she had consumed and Respondent told him.
2 that she and her female passenger had been wine tasting earlier in the day and she had consumed
3 approximately three glasses of wine and champagne,

4 b. The NPD officer explained to Respondent that he wanted to evaluate her due to the
5 objective signs of impairment. Respondent exited the vehicle, slightly staggering as she did so.
6 The officer asked Respondent to submit to a series of field sobriety tests, which she did.
7 Respondent poorly performed the field sobriety tests, such as the Horizontal Gaze Nystagmus
8 (HGN) test which detected involuntary jerking of her eyes. The officer next asked Respondent to
9 submit to a Preliminary Alcohol Screening (PAS) device and she complied. Respondent provided
10 two complete samples which showed BACs of .186% and .175%, respectively. Based on
11 Respondent's objective signs of impairment, the NPD officer formed the opinion that she had
12 been driving under the influence. The NPD officer arrested Respondent for violating Vehicle
13 Code sections 23152(a) and 23152(b), and then searched her. While being transported to the
14 police station, Respondent chose to submit to a blood test of her BAC.

15 c. The District Attorney's Office charged Respondent with violating Vehicle Code
16 sections 23152(a) (driving while under the influence of an alcoholic beverage) and 23152(b)
17 (driving with a blood alcohol content of .08% and more), both misdemeanors. Enhancements
18 under Vehicle Code section 23578 (having prior convictions) were also alleged. Respondent was
19 later convicted of violating Vehicle Code section 23152(a), a misdemeanor, and admitted to the
20 enhancement under Vehicle Code section 23578 of having a prior conviction (see below).

21 SIXTH CAUSE FOR DENIAL OF APPLICATION
22 (Substantially Related Conviction)
23 (Bus. & Prof. Code § 480(a)(1))

24 16. Respondent has subjected her application for a Registered Nurse License to denial
25 under Code section 480(a)(1) in that she was convicted of a crime substantially related to the
26 qualifications, functions, or duties of a registered nurse. Specifically, on or about August 5, 2009,
27 in the Superior Court of California, County of Napa, Case Number CR146095, entitled *The*
28 *People of the State of California v. Connie Ann Chassereau*, Respondent was convicted by the
court of violating Vehicle Code section 23152(a) (driving while under the influence of an

1 alcoholic beverage), a misdemeanor. Respondent also admitted the special allegation under
2 Vehicle Code section 23578 of having one prior conviction of violating Vehicle Code section
3 23152(b)). Respondent was placed on summary probation for five years upon terms and
4 conditions, which included, but were not limited to, serving fifteen in jail with credit for time
5 served of 2 actual days, and paying a fine of \$3,150.00.

6 SEVENTH CAUSE FOR DENIAL OF APPLICATION
7 (Conviction of a Crime Involving Alcohol)
8 (Bus. & Prof. Code §§ 480(a)(3) and 2762(c))

9 17. The allegations of paragraphs 15 and 16 are hereby realleged and incorporated by
10 reference as if fully set forth.

11 18. Respondent has subjected her application for a Registered Nursing License to denial
12 under Code section 480(a)(3) for doing an act which if done by a registered nurse would be
13 grounds for disciplinary action under Code section 2762(c), i.e., for being convicted of a crime
14 involving alcohol. Specifically, on or about August 5, 2009, Respondent was convicted of a
15 crime involving the consumption of alcoholic beverages, as set forth above in paragraphs 15 and
16 16.

17 EIGHTH CAUSE FOR DENIAL OF APPLICATION
18 (Use of Alcohol to a Dangerous Extent)
19 (Bus. & Prof. Code §§ 480(a)(3) and 2762(b))

20 19. The allegations of paragraph 15 are hereby realleged and incorporated by reference as
21 if fully set forth.

22 21. Respondent has subjected her application for a Registered Nursing License to denial
23 under Code section 480(a)(3) for doing an act which if done by a registered nurse would be
24 grounds for disciplinary action under Code section 2762(b), i.e., for using alcohol to a dangerous
25 extent. Specifically, on or about April 19, 2009, Respondent used and was under the influence of
26 alcoholic beverages, while driving a vehicle in Napa County, California, to an extent dangerous
27 or injurious to herself and the public, as set forth above in paragraph 15.
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Connie Chassereau for a Registered Nurse License; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 7-9-2010

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2010200854
CR: 07/01/10